

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 140, 142-151 and 176-183 are pending in the application, with claims 140 and 179 being the independent claims. Claims 140, 142-151, 176 and 178 is sought to be amended. New claims 179-183 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Information Disclosure Statement

The CD-ROMs submitted on September 30, 2005 were brought to Applicant's attention by defendants during the course of two litigations, namely

Teleshuttle Technologies, L.L.C. et al v. Microsoft Corporation, U.S.D.C. ND CA CIVIL CASE #: 5:04-cv-02927-JW

Teleshuttle Technologies, L.L.C. et al v. Microsoft Corporation et al, U.S.D.C. ND CA CIVIL CASE #: 5:04-cv-02928-JW.

The CD-ROMs submitted in the IDS of September 30, 2005 were presented out of an abundance of caution. Applicant does not assert that either he or his representatives have reviewed each listed document in detail in connection with the herein claimed invention. Applicant is not aware that any of the listed documents are more material to the claims of this application than are the references that have already been considered by the Examiner.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claim 140 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, the Examiner refers to the recitation of “the storage medium” within claim 140 as allegedly providing “insufficient antecedent basis”. See present Office Action, page 3. Without acquiescing to the propriety of the rejection, Applicant has amended claim 140 to overcome this ground of rejection. Accordingly, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

Claims 140, 142-151 and 176-178 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,347,632 to Filepp et al. (“Filepp”). For the reasons set forth below, Applicant respectfully traverses.

Filepp fails to teach or suggest each and every feature of Applicant’s independent claim 140, as amended herein. For example, as will be explained below, Filepp does not teach or suggest at least programmed logic that, when executed by a processor, enables “access at the user station, via the user interface, to fixed information content from each of a plurality of independently published portable storage media together with related remote information content from one or more remote information content sources,” as recited by claim 140.

Filepp is directed to an interactive computer network that includes a method and apparatus for providing applications to a reception system over a network. See Filepp, col. 2, lines 51-68 and col. 3, lines 1-3. The reception system, as described by Filepp, is “a personal computer, that has been configured as a reception system by the inclusion and running of reception system software that enables the reception system...to be electronically connected to a network specially adapted to create, maintain and supply databases and portions thereof

containing the application.” *Id.* In general, applications are sent to a reception system over a network in partitions referred to as objects that are each self-contained and independently operable. *See* Filepp, col. 5, lines 3-38. Each partition, or object, is sent “on demand” for interpretive execution by the receiving reception system. Filepp purports that the ability to send portions of an application (i.e., objects) “on demand” increases storage efficiency at a reception system and minimizes response time. *Id.* The Examiner, on pages 4-5 of the present Office Action, appears to equate the reception system software described in Filepp with the “programmed logic” of claim 140. Applicant respectfully disagrees.

In contrast to the reception system software of Filepp, the “programmed logic” of claim 140, when executed by a processor, enables “access at the user station, via the user interface, to fixed information content from each of a **plurality of independently published portable storage media** together with **related** remote information content from one or more remote information content sources” (emphasis added). The reception system software of Filepp, at most, provides access to application data stored on diskettes 426—containing reception system software—together with applications retrieved via a network. *See* Filepp FIG. 1, col. 4, lines 50-57 and col. 8, lines 28-39. Specifically, Filepp states that “objects representing all or part of partitioned applications may be stored in a user’s RS 400” and that “such objects are either provided on diskettes 426 together with RS 400 system software used during the installation procedure or, they are automatically requested by RS 400”. *See* Filepp col. 8, lines 28-39. In the latter case, Filepp states that the objects are automatically requested from the network. *Id.*

However, diskettes 426 represent portable storage media from a **single**, independent publisher. Filepp does not suggest that the remote system software is used to access the content from any other independently published portable storage media together with related remote content, as claim 140 recites. Filepp may further describe the use of an operating

system provided by diskettes 428, as noted by the Examiner on page 4 of the present Office Action. *See* Filepp FIG. 1, col. 4, lines 50-57. However, Filepp does **not** teach or suggest that the reception system software enables a user to access the data stored on diskettes 428—containing the operating system—together with **related** remote content from one or more remote content sources.

Furthermore, diskettes 426 and 428 both contain application software, which is in complete contrast to information content. The “programmed logic” of claim 140, when executed by a processor, enables “access at the user station to access, via the user interface, to fixed **information content** from each of a plurality of independently published portable storage media together with related remote information content from one or more remote information content sources” (emphasis added). Application software, such as reception system software stored on diskettes 426 and operating system software stored on diskettes 428, does **not**, in any way represent information content.

Since Filepp does not teach or suggest each and every one of the foregoing features of claim 140, Filepp cannot possibly render claim 140 obvious. Dependent claims 142-151 and 176-178 are similarly not rendered obvious by Filepp for the same reason as independent claim 140, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 140, 142-151 and 176-178 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Newly added independent claim 179 is directed to a portable storage medium having program logic stored thereon “to enable access, via a user interface, to the fixed **information content** together with related remote information content from one or more remote information content sources” (emphasis added). As noted above, in regard to claim 140, Filepp does not teach or suggest this feature. Therefore Filepp cannot anticipate this claim. Dependent claims 180-183 are also not anticipated by Filepp for the same reasons as

independent claim 179, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests favorable consideration of claims 179-183.

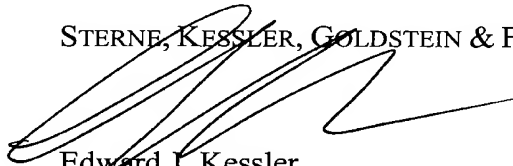
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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